

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF THOMAS M. BUCHANAN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO PRECLUDE
CERTAIN EXPERT TESTIMONY BY DR. LYNNE J. WEBER**

I, Thomas M. Buchanan, hereby declare:

1. I am a partner with the firm of Winston & Strawn LLP, attorneys of record for Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") in this matter. I submit this Declaration in support of Cox's Opposition to Plaintiffs' Motion to Preclude Certain Expert Testimony by Dr. Lynne J. Weber. I have personal knowledge of all facts stated in this declaration and if called upon as a witness, I could and would competently testify thereto.

2. **Exhibit 1** is a true and correct copy of excerpts from the transcript of the June 7, 2019 deposition of Dr. Lynne Weber.

3. **Exhibit 2** is a true and correct copy of excerpts from the Report of Dr. Terrence McGarty, dated April 10, 2019

4. **Exhibit 3** is a true and correct copy of excerpts from the transcript of the June 20, 2019 deposition of Dr. George McCabe.

5. **Exhibit 4** is a true and correct copy of excerpts from the transcript of the July 2, 2019 Deposition of Dr. Terrence McGarty.

6. **Exhibit 5** is a true and correct copy from the Report of George McCabe Ph.D., dated April 10, 2019.

7. **Exhibit 6** is a true and correct copy of the analysis of notices sent by the RIAA to Cox, bates stamped COX_SONY_00523050.

8. **Exhibit 7** is a true and correct copy of excerpts from the June 4, 2019 deposition of Randall Cadenhead, Esq.

9. **Exhibit 8** is a true and correct copy from the June 5, 2019 deposition of Brent Beck.

10. **Exhibit 9** is a true and correct copy from the April 25, 2019 deposition of Matthew Carothers.

11. **Exhibit 10** is a true and correct copy of the underlying data from the study Cox presented to the RIAA, bates stamped COX_SONY_00974461.

12. **Exhibit 11** is a true and correct copy of the Rebuttal Report of George McCabe Ph.D., dated May 15, 2019.

13. **Exhibit 12** is a true and correct copy of excerpts from the Memorandum in Opposition to Exclude Portions of the Expert Report and Limit the Trial Testimony of Cox's Expert William Rosenblatt in *BMG Rights Mgmt. (US) LLC, et al. v. Cox Commc'ns, Inc., et al.*, 1:14-cv-01611-LO-JFA, ECF 597.

14. **Exhibit 13** is a true and correct copy of excerpts from the trial transcript in *BMG Rights Mgmt. (US) LLC, et al. v. Cox Commc'ns, Inc., et al.*, 1:14-cv-01611-LO-JFA.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24 day of September, 2019 in Washington, DC.

s/ Thomas M. Buchanan
Thomas M. Buchanan (VSB No. 21530)